



DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2018-0012; Notice 1]

**Notice of Receipt of Petition for Decision that
Nonconforming Model Year 2013 and 2014 Victory Hammer 8-Ball
Motorcycles Are Eligible for Importation**

AGENCY: National Highway Traffic Safety Administration (NHTSA),
Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that model year (MY) 2013 and 2014 Victory Hammer 8-Ball motorcycles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the MY 2013 and 2014 Victory Hammer 8-Ball motorcycles) and they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- Mail: Send comments by mail addressed to U.S.
Department of Transportation, Docket Operations, M-30,
West Building Ground Floor, Room W12-140, 1200 New
Jersey Avenue, SE, Washington, DC 20590.
- Hand Delivery: Deliver comments by hand to U.S.
Department of Transportation, Docket Operations, M-30,
West Building Ground Floor, Room W12-140, 1200 New
Jersey Avenue, SE, Washington, DC 20590. The Docket
Section is open on weekdays from 10 am to 5 pm except
Federal Holidays.
- Electronically: Submit comments electronically by
logging onto the Federal Docket Management System
(FDMS) website at <https://www.regulations.gov/>. Follow
the online instructions for submitting comments.
- Comments may also be faxed to (202) 493-2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies

are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at <https://www.regulations.gov> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice. DOT's complete Privacy Act Statement is available for review in a Federal Register notice published on April 11, 2000, (65 FR 19477-78).

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366-5308.

SUPPLEMENTARY INFORMATION:

I. History: Under 49 U.S.C. § 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS (49 CFR 571) shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7 *Processing of Petitions*, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

II. Summary of Petition: J.K. Technologies, LLC (JK), of Baltimore, Maryland (Registered Importer R-90-006) has

petitioned NHTSA to decide whether nonconforming MY 2013 and 2014 Victory Hammer 8-Ball motorcycles are eligible for importation into the United States. The vehicles that JK believes are substantially similar are MY 2013 and 2014 Victory Hammer 8-Ball motorcycles manufactured for sale in the United States, and certified by their manufacturer as conforming to all applicable FMVSS.

The petitioner submitted information that it claimed it received from the manufacturer of the vehicles, Victory Motorcycles (Polaris Industries, Inc.) to demonstrate that non-U.S.-certified MY 2013 and 2014 Victory Hammer 8-Ball motorcycles, as originally manufactured, conform to many applicable FMVSS in the same manner as their U.S.-certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S.-certified MY 2013 and 2014 Victory Hammer 8-Ball motorcycles, as originally manufactured, conform to the following standards: FMVSS Nos. 106 *Brake Hoses*, 116 *Motor Vehicle Brake Fluids*, 119 *New Pneumatic Tires for Motor Vehicles with a GVWR of More than 4,536 Kilograms (10,000 Pounds) and Motorcycles*, 122 *Motorcycle Brake Systems*, and 205 *Glazing Materials*.

The petitioner also contends that the subject non-U.S. certified vehicles are capable of being readily altered to meet the following standards in the manners indicated:

Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment*: The headlamp must be replaced with the U.S.-model component. In addition, U.S.-model front and rear side mounted reflex reflectors, and a rear center mounted reflex reflector must be installed.

Standard No. 111 *Rearview Mirrors*: The mirror must be replaced with the U.S.-model part or etched to show any required labeling.

Standard No. 120 *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of More than 4,536 Kilograms (10,000 Pounds)*: The petitioner states that their Registered Importer Certification Label, which must be affixed to the vehicle to satisfy the requirements of 49 CFR part 567, *Certification*, will include the necessary tire, rim, tire pressure and weight rating information.

Standard No. 123 *Motorcycle Controls and Displays*: The instrument cluster must be replaced with the U.S.-model part.

III. Comments: All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above

addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Claudia Covell,

Acting Director, Office of Vehicle Safety Compliance.

Billing Code 4910-59-P

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